

1 UNITED STATES DISTRICT COURT
2 NORTHERN DISTRICT OF CALIFORNIA
3 SAN JOSE DIVISION
4

5 IN RE: HIGH-TECH EMPLOYEE)
6 ANTITRUST LITIGATION)
7) No. 11-CV-2509-LHK
8 THIS DOCUMENT RELATES TO:)
9 ALL ACTIONS.)
10 _____)
11

12 VIDEOTAPED DEPOSITION OF SHANTANU NARAYEN
13 ATTORNEYS' EYES ONLY
14 PURSUANT TO PROTECTIVE ORDER
15 Thursday, February 28, 2013
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24 Reported By:
25 KATHLEEN WILKINS, CSR #10068, RPR-RMR-CRR-CCRR-CLR

11:34:45 1 "Poaching away talent is a
11:34:47 2 provocative and disruptive
11:34:50 3 maneuver."

11:34:51 4 Do you see that?

11:34:51 5 A. I do see that.

11:34:53 6 Q. Do you agree with that statement?

11:34:54 7 MR. KIERNAN: And objection. Ambiguous.
11:34:55 8 Using his definition of "poaching"?

11:35:00 9 BY MR. SAVERI:

11:35:00 10 Q. Well, what do you understand "poaching
11:35:02 11 away talent" to mean?

11:35:07 12 A. I would say "poaching" probably means,
11:35:09 13 you know, hiring from -- you know, from other
11:35:17 14 companies.

11:35:18 15 Q. Did you -- using that definition, did
11:35:20 16 you believe poaching away talent is a provocative
11:35:25 17 and disruptive maneuver?

11:35:27 18 A. I believe that hiring from other
11:35:30 19 companies should always been allowed, and I think
11:35:35 20 Adobe has always done that. And when you have
11:35:37 21 close partnerships, I think there's trust that's
11:35:41 22 important in those partnerships.

11:35:42 23 Q. Well, my question, though, was whether
11:35:43 24 you viewed poaching as provocative or disruptive.

11:35:53 25 MR. KIERNAN: And if you need to

11:36:56 1 at 11:36.

11:37:08 2 (Whereupon, a recess was taken.)

11:48:05 3 THE VIDEOGRAPHER: We are now on the
11:48:06 4 record at 11:48. This is the beginning of Video
11:48:09 5 Number 2.

11:48:11 6 BY MR. SAVERI:

11:48:15 7 Q. Are you aware that Apple and Adobe had
11:48:23 8 an agreement with each other with respect to
11:48:27 9 recruiting employees from their respective
11:48:33 10 companies?

11:48:35 11 MR. KIERNAN: Objection as to --
11:48:37 12 ambiguous as to "recruiting."

11:48:41 13 Subject to that, you can answer the
11:48:42 14 question.

11:48:43 15 THE WITNESS: I'm aware that there was
11:48:44 16 an agreement not to cold call between the two
11:48:47 17 companies.

11:48:47 18 BY MR. SAVERI:

11:48:48 19 Q. And to the best of your recollection,
11:48:54 20 when was that agreement reached between the two
11:48:56 21 companies?

11:48:57 22 A. I don't know. I don't know.

11:48:59 23 Q. Now -- I'm sorry. When did you arrive
11:49:07 24 at Adobe?

11:49:08 25 A. 1998.

11:49:09 1 Q. Okay. When you arrived at Adobe in
11:49:13 2 1998, was that agreement between Apple and Adobe
11:49:18 3 in place?

11:49:20 4 MR. KIERNAN: Lacks foundation.

11:49:21 5 THE WITNESS: I don't know.

11:49:21 6 BY MR. SAVERI:

11:49:22 7 Q. Okay. When did you first learn of the
11:49:27 8 agreement between Apple and Adobe?

11:49:32 9 A. I think it was in the 2004, 2005 time
11:49:38 10 frame.

11:49:38 11 Q. Okay. Now, if you look at the document
11:49:45 12 that I was asking you about before the break,
11:49:48 13 towards the bottom of page 9, there's a paragraph
11:49:51 14 that begins, "The nonsolicitation policy began."

11:49:56 15 Do you see that?

11:49:57 16 A. I do see that.

11:49:59 17 Q. Let me read it to you and ask you a
11:50:00 18 question about it. It says:

11:50:02 19 "Nonsolicitation policy began
11:50:03 20 with Steve Jobs and John Warnock's
11:50:06 21 earliest collaborations on desktop
11:50:08 22 publishing."

11:50:09 23 Do you see that?

11:50:09 24 A. I do see that.

11:50:11 25 Q. Is that an accurate statement, to the

11:50:13 1 best of your recollection?

11:50:15 2 A. I don't know.

11:50:20 3 Q. Okay. Do you know how the
11:50:29 4 nonsolicitation policy that's described here
11:50:32 5 began?

11:50:35 6 A. I don't know.

11:50:36 7 Q. Do you know whether Steve Jobs suggested
11:50:39 8 to John Warnock or Mr. Warnock suggested it to
11:50:44 9 Steve Jobs, or it was created in some other
11:50:48 10 fashion?

11:50:49 11 A. Multiple questions in that.

11:50:50 12 Q. I know. Let me just ask the question
11:50:53 13 generally.

11:50:53 14 Do you have any information or any
11:50:54 15 knowledge about the origins of the nonsolicitation
11:50:57 16 policy between Adobe and Apple?

11:51:01 17 A. I don't recall.

11:51:03 18 Q. Okay. So I think you said a few minutes
11:51:06 19 ago that you learned of the policy or the
11:51:09 20 agreement in the 2004/2005 period.

11:51:13 21 Is that -- is my recollection correct?

11:51:15 22 A. Yes.

11:51:16 23 Q. Okay. When you first learned about the
11:51:18 24 policy, was it -- is it your recollection that the
11:51:24 25 policy between the two companies was already in

11:51:26 1 place?

11:51:30 2 A. I think so.

11:51:32 3 Q. Okay. And -- and how -- how do you know
11:51:37 4 that?

11:51:42 5 A. I think around that time frame, there
11:51:44 6 was discussion around, as a result of the
11:51:48 7 collaboration that was happening between the
11:51:50 8 companies, to ensure that there was no cold
11:51:52 9 calling between the companies, but to continue the
11:51:56 10 collaboration between the companies.

11:51:57 11 Q. Okay. And when you first heard about
11:51:59 12 this or heard discussions about this, again, it's
11:52:03 13 your recollection that there was already an
11:52:06 14 agreement in place between the two companies; is
11:52:08 15 that right?

11:52:09 16 A. Again, I don't recall.

11:52:11 17 Q. Okay. Now, focusing on the origins of
11:52:17 18 the -- of the nonsolicitation policy between the
11:52:20 19 two companies, do you have any information
11:52:23 20 regarding the -- do you have any knowledge
11:52:26 21 regarding what any of the terms of that
11:52:30 22 arrangement were?

11:52:33 23 A. The origins --

11:52:35 24 Q. Yes.

11:52:35 25 A. -- is that the question?

01:32:42 1 companies were collaborating in -- in very close
01:32:47 2 ways. That was around the time that there was the
01:32:50 3 new operating systems being developed. The
01:32:51 4 companies were working together.

01:32:53 5 And so focusing on getting that stuff
01:32:56 6 done was the most important thing that we could
01:32:59 7 do, is a combined collaboration at that point.

01:33:02 8 Q. What did you mean by "gloves off"?

01:33:05 9 A. I don't know. I don't recall now.

01:33:06 10 Q. You -- you don't recall what you meant?

01:33:08 11 A. Yeah.

01:33:08 12 Q. Okay. Well, you wrote:

01:33:13 13 "We don't want Steve personally
01:33:15 14 recruiting our key talent."

01:33:17 15 Do you see that?

01:33:17 16 A. (Nods head.)

01:33:18 17 Q. And "Steve" is Steve Jobs again, right?

01:33:20 18 A. "Steve" here does refer to Steve Jobs,
01:33:23 19 yes.

01:33:24 20 Q. And at that time, you believed that
01:33:29 21 Adobe did not want Steve Jobs personally
01:33:32 22 recruiting Adobe's key talent; is that correct?

01:33:36 23 A. I did not want Steve Jobs cold calling
01:33:38 24 to recruit our talent as we were collaborating
01:33:41 25 with Apple.

01:33:43 1 Q. Well, that's not what you say, though,
01:33:47 2 right? I mean, you wrote:

01:33:47 3 "We don't want Steve personally
01:33:49 4 recruiting our key talent."

01:33:51 5 Do you see that?

01:33:52 6 MR. KIERNAN: Objection. Argumentative
01:33:53 7 and asked and answered.

01:33:54 8 THE WITNESS: Again, the context is the
01:33:56 9 companies were working closely together. We
01:33:59 10 wanted to make sure that the people who were
01:34:01 11 working on that collaboration, that we did not
01:34:05 12 cold call them.

01:34:06 13 BY MR. SAVERI:

01:34:06 14 Q. But -- but here you also refer to
01:34:09 15 Mr. Jobs personally.

01:34:14 16 Did you think -- what did you think --
01:34:17 17 when you wrote this, is it -- did you agree or did
01:34:21 18 you believe that Adobe didn't want Steve Jobs
01:34:25 19 personally recruiting any of Adobe's key talent?

01:34:32 20 MR. KIERNAN: Asked and answered.

01:34:35 21 THE WITNESS: Again, I've said the
01:34:36 22 context was Apple and Adobe were working together,
01:34:39 23 and we didn't want the cold calling.

01:34:42 24 BY MR. SAVERI:

01:34:42 25 Q. Including cold calling from Steve Jobs?

02:42:14 1 Q. In terms of Adobe's costs, how much --
02:42:18 2 what percentage does the amount it spends on
02:42:25 3 recruiting and retaining labor amount to?

02:42:29 4 MR. KIERNAN: Objection. Foundation.

02:42:31 5 THE WITNESS: And when you say
02:42:32 6 "recruiting and" --

02:42:34 7 BY MR. SAVERI:

02:42:34 8 Q. Let me ask -- let me try to ask you a
02:42:35 9 better question.

02:42:36 10 A. Yeah.

02:42:37 11 Q. As a percentage of the costs of Adobe,
02:42:39 12 how much do labor costs represent?

02:42:43 13 MR. KIERNAN: Foundation. Ambiguous.

02:42:44 14 THE WITNESS: Again, are you referring
02:42:45 15 to the expense costs as part of the company?

02:42:49 16 BY MR. SAVERI:

02:42:50 17 Q. Yes.

02:42:50 18 A. It's a -- it's a reasonable size of the
02:42:52 19 company.

02:42:53 20 Q. Well, can you give me a sense in
02:42:56 21 percentage terms?

02:42:58 22 A. I would suspect it's about 50 percent.

02:43:01 23 Q. Would you identify that as a significant
02:43:04 24 cost of the company?

02:43:05 25 A. It's one of the costs of the company.

02:43:08 1 Q. Well, I mean, would you -- would you
02:43:09 2 characterize it as one of the -- one of the -- one
02:43:11 3 of the single biggest items of costs of the
02:43:13 4 company?

02:43:14 5 MR. KIERNAN: Objection. Argumentative.

02:43:16 6 THE WITNESS: Again, I would say that,
02:43:18 7 you know, expense structure is about 50 percent of
02:43:20 8 the cost of the company.

02:43:22 9 BY MR. SAVERI:

02:43:32 10 Q. Now, is -- is each person who works at
02:43:36 11 Adobe assigned to a particular job title?

02:43:44 12 A. I think most employees would have, you
02:43:47 13 know, one -- a job title, yes.

02:43:50 14 Q. Well, is there anybody you can think of
02:43:51 15 who works at Adobe that doesn't have a -- who
02:43:53 16 hasn't been assigned a job title?

02:44:00 17 A. I can't.

02:44:00 18 Q. Now, does Adobe also group its employees
02:44:05 19 into -- into -- into job grades or job tiers?

02:44:12 20 MR. KIERNAN: Objection as to time and
02:44:13 21 foundation. And ambiguous as to "tiers."

02:44:17 22 THE WITNESS: Yeah. Again, I was going
02:44:18 23 to ask, what -- what do you mean by "grades" and
02:44:20 24 "tiers"? Now you have people in different
02:44:23 25 functions, certainly -- that is, you have people

02:44:25 1 in HR. You have people in engineering. You have
02:44:27 2 people in sales. You have people in, you know,
02:44:29 3 support.

02:44:30 4 BY MR. SAVERI:

02:44:30 5 Q. Well, for purposes of compensation, does
02:44:36 6 Adobe rank employees by group into job tiers or
02:44:45 7 job classifications?

02:44:47 8 MR. KIERNAN: Same objections.

02:44:49 9 THE WITNESS: That is, again, so many
02:44:50 10 questions as part of that, I'm not sure what the
02:44:52 11 question really is.

02:44:53 12 (Whereupon, Deposition Exhibit 1153
02:44:53 13 was marked for identification.)

02:47:10 14 BY MR. SAVERI:

02:47:10 15 Q. I've handed you what's been marked as
02:47:12 16 1153.

02:47:15 17 MR. KIERNAN: Do you have another copy?

02:47:17 18 MR. SAVERI: I do.

02:47:17 19 MR. KIERNAN: Thanks.

02:47:29 20 BY MR. SAVERI:

02:47:39 21 Q. Will you take a moment to look at that,
02:47:41 22 please.

02:48:05 23 A. I have.

02:48:08 24 Q. The first page is an e-mail from
02:48:09 25 Bruce Chizen to Peg Wynn and yourself, dated

02:58:13 1 A. For the -- I would say, in general, that
02:58:15 2 would probably be true.

02:58:16 3 Q. Okay. And as part of the focal process,
02:58:19 4 do employees receive adjustments to their
02:58:24 5 salaries?

02:58:28 6 A. There's no guarantee that they will
02:58:29 7 receive. But as part of performance, they can
02:58:32 8 receive adjustments to their salaries.

02:58:34 9 Q. So as part of the focal process, do some
02:58:37 10 people receive increased salaries?

02:58:39 11 A. As part of the focal process, yes, some
02:58:41 12 people do receive increases.

02:58:43 13 Q. And some -- and some people don't
02:58:44 14 receive any salary increases?

02:58:48 15 A. Yes.

02:58:48 16 Q. And from time to time, do some people
02:58:51 17 receive less than salary?

02:58:54 18 A. Again, that would depend on your
02:58:55 19 definition of "salary," because salary has to do
02:58:59 20 with not just the base salary, but also equity.

02:59:03 21 So, yes, in that context, it's entirely
02:59:05 22 possible that, as part of the annual process, they
02:59:08 23 receive less compensation, total compensation,
02:59:11 24 than they would have received the previous year.

02:59:14 25 Q. Has Adobe established salary ranges for

02:59:19 1 particular job titles?

02:59:21 2 A. I believe that's the case. As a
02:59:23 3 guideline.

02:59:24 4 Q. And how do those -- how are those salary
02:59:27 5 ranges used as part of focal process?

02:59:31 6 A. I believe those salary ranges are used
02:59:34 7 as guidelines to the managers. The managers have
02:59:36 8 to look at performance and, you know, then they
02:59:41 9 have to determine, based on an individual's
02:59:44 10 performance and potential, what the appropriate
02:59:45 11 reward structure is for that.

02:59:47 12 Q. Are salary ranges established for
02:59:49 13 individual job titles or more broadly for job
02:59:55 14 grades or job tiers?

02:59:57 15 MR. KIERNAN: Objection. Foundation.

02:59:59 16 THE WITNESS: Again, you are using
03:00:00 17 terminology, "grades" and "tiers," and I -- you
03:00:02 18 know, I -- if -- that's not exactly the vocabulary
03:00:05 19 that we use. I want to make sure --

03:00:07 20 BY MR. SAVERI:

03:00:08 21 Q. What is the vocabulary Adobe uses?

03:00:11 22 A. Individuals have job titles.

03:00:13 23 Q. Okay.

03:00:13 24 A. And for that job title, there's
03:00:16 25 compensation package associated with that job

03:00:18 1 title.

03:00:19 2 Q. And I guess what I'm -- maybe -- what
03:00:20 3 I'm getting at and maybe struggling with is trying
03:00:23 4 to figure out whether particular job titles are,
03:00:26 5 in turn, grouped more broadly into hierarchical
03:00:33 6 tiers or some other kind of organization as part
03:00:36 7 of the structure.

03:00:39 8 MR. KIERNAN: Objection. Foundation.

03:00:41 9 THE WITNESS: If you could give me an
03:00:42 10 example of what that would mean. I really can't
03:00:44 11 answer that.

03:00:45 12 BY MR. SAVERI:

03:00:45 13 Q. Yeah. Let me try to -- try to get it at
03:00:46 14 this way.

03:01:10 15 This was marked as Exhibit 312. Do you
03:01:15 16 recognize this document?

03:01:19 17 A. Again, I -- it's possible I've seen
03:01:21 18 drafts or versions like this at times.

03:01:23 19 Q. And I guess what I'm using it to try to
03:01:26 20 do is perhaps focus on the -- the left column of
03:01:33 21 the -- of the table. And it looks like the table
03:01:37 22 is labeled "Stock LVL."

03:01:42 23 Do you see that?

03:01:43 24 A. I do.

03:01:46 25 Q. Do you recognize that terminology?

03:01:48 1 A. Stock level?

03:01:50 2 Q. Yes.

03:01:52 3 A. Again, at my level, because all of my
03:01:54 4 managers are typically direct reports, it's not
03:01:56 5 something that I deal with every day. But it
03:02:02 6 would -- it would imply that it's a stock level.

03:02:05 7 Q. Well, are employees at Adobe grouped or
03:02:08 8 organized into discrete or different stock
03:02:11 9 levels --

03:02:11 10 MR. KIERNAN: Objection.

03:02:11 11 BY MR. SAVERI:

03:02:11 12 Q. -- for purposes of compensation?

03:02:14 13 MR. KIERNAN: Objection. Foundation.
03:02:14 14 To the extent it calls for speculation.

03:02:19 15 THE WITNESS: Yeah. I would say Donna
03:02:20 16 is the expert to really talk to about the
03:02:22 17 specifics associated with these questions.

03:02:24 18 BY MR. SAVERI:

03:02:24 19 Q. What is -- what is your role today in
03:02:26 20 the focal process?

03:02:30 21 A. As part of the focal process, typically
03:02:33 22 on an annual basis, we understand what the budgets
03:02:36 23 are for the company. We understand when we want
03:02:38 24 to do the annual process. We talk about
03:02:41 25 philosophy of what's important for us. Building a

03:04:53 1 Q. So let me -- let me ask the question
03:04:53 2 this way --

03:04:54 3 MR. KIERNAN: Okay.

03:04:54 4 BY MR. SAVERI:

03:04:55 5 Q. -- is -- do you establish the budget for
03:04:56 6 the focal -- focal process as the CEO?

03:04:59 7 MR. KIERNAN: And objection.

03:05:00 8 Foundation. And ambiguous as to "budget for the
03:05:04 9 focal process."

03:05:05 10 BY MR. SAVERI:

03:05:06 11 Q. Is there a budget established for the
03:05:07 12 focal process?

03:05:09 13 A. There's a budget for the company --

03:05:11 14 Q. Right.

03:05:11 15 A. -- that we establish. We establish a
03:05:14 16 revenue budget, revenue target, really. And we
03:05:18 17 target certainly an expense budget as part of
03:05:21 18 that. I'm involved in that as the CEO of the
03:05:23 19 company.

03:05:25 20 Then there are multiple elements, you
03:05:27 21 know, to what happens in terms of expense targets.
03:05:29 22 And a lot of that is being driven by the CFO.

03:05:33 23 As it relates to people-related
03:05:35 24 expenses, Donna is in charge of that particular
03:05:38 25 part of the process.

03:05:39 1 Q. Well, for example, when a -- when the
03:05:45 2 focal process begins in a new year, does the
03:05:51 3 company, for example, say, "We are going to raise
03:06:00 4 compensation a certain percentage from last year"?
03:06:02 5 Does that kind of discussion happen?

03:06:07 6 A. You know, we do talk about salary. But
03:06:10 7 it is on a geographic basis. And so I think it's
03:06:13 8 important to remember that, you know, it's
03:06:17 9 sometimes a more fluid process than a one -- a
03:06:19 10 one-time decision.

03:06:21 11 Q. Well, and I guess what I'm really trying
03:06:23 12 to get at is what your role in the process is.

03:06:26 13 And, for example, do you get involved
03:06:27 14 in -- at the very beginning of the process and
03:06:30 15 provide guidance to Donna Morris or others along
03:06:34 16 the lines of "For this next focal process, we are
03:06:39 17 going to raise salary or compensation 2 percent, 3
03:06:43 18 percent," or something like that?

03:06:45 19 Is that the kind of discussion you have?

03:06:47 20 A. I would say for the most part, that's a
03:06:50 21 process that Donna leads. And the CFO is also
03:06:53 22 involved because it's a budget.

03:06:55 23 I can't speak to whether I'm also
03:06:57 24 always -- at which part in that process it's
03:07:00 25 brought in because I don't know how much

03:07:01 1 discussion might have happened before I was

03:07:03 2 brought into the process. But certainly on an

03:07:06 3 annual basis, I participate at some point.

03:07:08 4 Q. Well, what I'm trying to get at is do

03:07:10 5 you establish parameters at the beginning or do

03:07:12 6 you approve a recommendation at the end or some

03:07:16 7 combination of the two, or not?

03:07:21 8 A. Again, if you are speaking to, you know,

03:07:23 9 what the annual --

03:07:24 10 Q. Right.

03:07:24 11 A. -- budget process is, yes, at some point

03:07:27 12 during that process, I'm informed. I'm not sure

03:07:29 13 whether it's always at the front, always at the

03:07:32 14 back, because there's a lot of discussion that

03:07:35 15 goes on as it relates to that process.

03:07:39 16 Q. As CEO, do you have ultimate authority

03:07:43 17 to approve the recommendations -- recommendations

03:07:46 18 of the focal process?

03:07:48 19 A. Again, when you're referring to the

03:07:50 20 focal process, are you referring to the individual

03:07:53 21 performances? Because that happens through every

03:07:56 22 manager within the company based on performance.

03:07:58 23 Q. Okay.

03:07:58 24 A. I approve an annual budget for the

03:08:00 25 entire company. As part of that annual budget,

03:08:05 1 there is some part of it that represents the focal
03:08:07 2 process.

03:08:08 3 Q. Fair enough.

03:08:51 4 Let me hand you what was previously
03:08:53 5 marked as Exhibit 324.

03:08:56 6 MR. KIERNAN: Thanks.

03:08:57 7 BY MR. SAVERI:

03:09:10 8 Q. 324 -- well, the first page of 324 is an
03:09:13 9 e-mail from John McGee to Jeff Vijungco, dated
03:09:17 10 September 27, 2007, with the subject "FW off
03:09:26 11 limits, EMC Documentum."

03:09:50 12 It's a long document, but let me just
03:09:51 13 ask you a couple of preliminary questions, sir.

03:09:55 14 Do you -- do you know what is meant by
03:09:59 15 the term "Documentum," as Mr. Vijungco uses this
03:10:03 16 in his e-mail?

03:10:06 17 A. I think Documentum refers to a company
03:10:08 18 that used to exist that EMC acquired.

03:10:19 19 Q. Do you recall whether there was a
03:10:20 20 particular time when Adobe made efforts to recruit
03:10:28 21 or hire people from EMC?

03:10:36 22 A. We are always looking for talent from a
03:10:38 23 whole bunch of companies, so I --

03:10:43 24 Q. So to the best of your recollection,
03:10:47 25 there wasn't a particular time or occasion when

05:21:07 1 role was. When we -- so that was the primary
05:21:10 2 concern.

05:21:16 3 Q. Now, in your e-mail to Donna Morris, you
05:21:20 4 write, "Does that cause any internal inequities?"

05:21:26 5 Do you see that?

05:21:27 6 A. I do see that.

05:21:30 7 Q. What did you mean by that?

05:21:32 8 A. I think it would have related to, from a
05:21:33 9 scope point of view and a performance point of
05:21:35 10 view, are you looking at that?

05:21:39 11 Q. Well, from the scope point of view, what
05:21:41 12 was your concern with respect to internal equity?

05:21:45 13 A. I am not saying that I had any concern
05:21:47 14 with respect to internal equity because she was
05:21:50 15 more familiar with these jobs. Since she brought
05:21:56 16 it up, I was just asking her to look at scope as
05:21:58 17 well.

05:21:59 18 Q. Well -- okay.

05:22:00 19 But so is -- were you asking
05:22:02 20 Donna Morris to consider the internal -- potential
05:22:05 21 internal equities of these proposals?

05:22:14 22 A. As I look at this message, I look at it
05:22:16 23 and I say, "I agree with your recommendation."
05:22:19 24 That was my primary purpose.

05:22:20 25 She had a lot of information, and I

05:22:22 1 asked her if there were any issues associated with
05:22:27 2 that.

05:22:27 3 Q. Well, and the issues that you -- one of
05:22:29 4 the issues that you call out to her is the issue
05:22:32 5 of whether or not the proposal or her
05:22:35 6 recommendation cause -- causes any internal
05:22:39 7 equity, correct?

05:22:40 8 A. That's correct.

05:22:53 9 Q. Do you recall when Google decided to
05:22:56 10 have an across-the-board 10 percent compensation
05:22:59 11 increase?

05:23:02 12 MR. KIERNAN: Objection. Assumes facts
05:23:03 13 not in evidence.

05:23:05 14 THE WITNESS: Can you repeat that
05:23:06 15 question again?

05:23:06 16 BY MR. SAVERI:

05:23:07 17 Q. Well, do you recall hearing that Google
05:23:18 18 made a decision to have a 10 percent
05:23:20 19 across-the-board pay hike for its employees?

05:23:23 20 A. I'm not familiar with any specifics. I
05:23:24 21 do recall some information about Google and pay
05:23:29 22 raises.

05:23:30 23 Q. Well, do you recall hearing at some
05:23:32 24 point in time that Google decided to have -- to
05:23:36 25 make an across-the-board pay hike for its

05:23:39 1 employees?

05:23:39 2 A. Again, I didn't -- I didn't know any of
05:23:42 3 the specifics with respect to the Google pay hike
05:23:44 4 that you're alluding to.

05:24:03 5 Q. I'm handing you what's been marked as
05:24:06 6 Exhibit 213.

05:24:22 7 Let me ask you to take a -- a moment to
05:24:23 8 read it. Just for purposes of the record, I don't
05:24:26 9 see your name specifically being called out here.
05:24:29 10 I want you -- I just want to direct your attention
05:24:33 11 to the -- the -- the e-mail which begins on the
05:24:39 12 bottom of the first page. It's an e-mail from
05:24:42 13 someone named Charu Solanki.

05:24:45 14 Take a moment to review that.

05:25:09 15 A. Okay. I've looked at the e-mail.

05:25:11 16 Q. Okay. If you look at Mr. -- is Charu a
05:25:16 17 man or a woman?

05:25:17 18 A. I'm not sure.

05:25:18 19 Q. Okay. I thought it was just me, sir.
05:25:20 20 Okay.

05:25:20 21 Will you look at Charu's e-mail?

05:25:23 22 A. I did.

05:25:25 23 Q. Okay. Now, do you see that that e-mail
05:25:27 24 refers to Google announcing a 10 percent pay hike?

05:25:33 25 A. I do see that.

14 The dismantling, unsealing, or unbinding
15 of the original transcript will render the
16 reporter's Certificates null and void.

| | | |
|----|---|------------------------------------|
| 19 | X | Reading and Signing was requested. |
|----|---|------------------------------------|

20 Reading and Signing was waived.

| | |
|----|--|
| 21 | Reading and Signing was not requested. |
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22

23 KATHLEEN A. WILKINS

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|----|---------------------------------|
| 24 | CSR 10068, RPR-RMR-CRR-CCRR-CLR |
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